

TOWN OF CONCORD TOWN BOARD MEETING April 13, 2023
7:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,
at 7:00 p.m.

ROLL CALL: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

EXCUSED: WILLIAM F. SNYDER, III, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BARRY A. EDWARDS, Hwy Supt.
BRIAN F. ATTEA, Town Attorney
DAWN MARTIN, Assessor
SHERRI ONDESKO, Assessment Clerk
CAROLYN A. ROBINSON, Dog Control Officer

GEORGE DONHAUSER
JASON KUHN
JAIME KUHN
JULIE FRANCISCO
LARRY ZABLONSKI
DAVID FILIGHERA
SEAN MAHONEY

MEAGAN KUHN
MELYNDA WIELKIE
NICK MATHEWSON
ROBIN SION
DEREK FILIGHERA
JERRY THOMPSON
GUY MARLETTE

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER ZITTEL

ITEM #1 CONSENT AGENDA

- a) Approval of Minutes:
(1) Work Session – 2/9/2023
(2) Town Board Meeting – 2/9/2023
(3) Public Hearing-Firefighter Local Law – 3/29/2023
(4) Special Town Board Meeting – 3/29/2023

Motion by Council Member Zittel, seconded by Council Member Drake,
to approve Consent Agenda (a)(1-4). Council Members Drake, Zittel & Krzemien;
Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

Supervisor Drozd received the Assessor's Report after the Agenda was prepared.
Motion by Council Member Drake, seconded by Council Member Krzemien, to add
Assessor's Report – February & March 2023 to Consent Agenda, Monthly Reports.
Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council
Member Snyder, excused. Carried.

- b) Monthly Reports:
(1) Code Enforcement Report – March 2023
(2) Dog Control Officer Report – March 2023
(3) Town Clerk Report – March 2023
(4) Judge Frank Report – February 2023
(5) Judge Gibbin Report – February 2023
(6) Supervisor's Report – January & February 2023
(7) Senior Transportation Van Report – February & March 2023
(8) Senior Center Report – March 2023
(9) Assessor's Report – February & March 2023

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve Consent Agenda (b)(1-9). Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

ITEM #2 PUBLIC COMMENT

Supervisor Drozd opened the floor for Public Comment.

No one wished to address the Board. Motion by Council Member Krzemien seconded by Council Member Drake, to close Public Comment. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

ITEM # 3 HIGHWAY DEPARTMENT

a) Hwy Supt Edwards asked the Board to receive and file his monthly report.

b) Hwy Supt Edwards provided the Board with his Agreement to Spend Town Highway Funds for approval. This was discussed earlier this evening in Work Session. Supervisor Drozd noted that Hwy Supt Edwards has good work lined up, much needed work.

Motion by Council Member Zittel, seconded by Council Member Drake, to receive and file the Highway Report and approve the Agreement to Spend Town Highway Funds. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried. The Board Members signed the Agreement to Spend Town Highway Funds.

ITEM #4 OLD BUSINESS

a) Proposed horseshoe pits at the Senior Center – This was discussed at the March 9th meeting. Supervisor Drozd discussed this with the Town's insurance carrier. There is no issue for liability; it's like playgrounds, it is called "property in the open." If the Town does go ahead with the installation, the insurance carrier would need the specifications and the value of the property to be purchased and donated to the Town.

b) J-CAP Grant-Records Room, short \$412 – The Board approved the J-CAP application last year for the improvements to the Judge's room and Court Room in the \$4,498. The grant is \$412 short to cover all costs; this grant was applied for last Fall and prices have gone up. Amherst Alarm is holding most of the costs but a couple components of this other alarm system went up in the amount of \$412. This amount will be taken out of the maintenance account. No motion is required because the Board approved the J-CAP application last year.

c) Community Park Pavilion Project Update/DASNY Grant – Supervisor Drozd informed the Board that:

(1) the first reimbursement check in the amount of \$34,000 was received from DASNY. Supervisor Drozd just sent in the paperwork for the next reimbursement of \$100,000.

(2) the final water work has been completed. Erie County has finally approved the water design. Community Park was never listed on the County listing of public water supplies but now that the Town is constructing the new pavilion, the Town has to comply with Erie County standards. Supervisor Drozd will send this out to contractors to get quotes for the first phase. The Town received a letter from J. Patronik at Erie County Department of Health noting that the application will now be in two phases. The first phase is the approval of the well location and the second phase is approval of the water system for public use. The Town has to modernize the well first and get the water analyzed. Then the Town can submit the plan for the water system for approval. ECDOH assured the Town that they will look at the second phase application as soon as it is available to try to keep this project on schedule.

d) KB Sewer Plant – There are continued issues happening at the KB Sewer Plant. Supervisor Drozd and Council Member Drake had a phone meeting last Friday to discuss this plant. Some other issues cropped up with the DEC and the Town will try to get this solved.

e) Concord IDA – Reaffirm 2022 Resolution for Dissolution – Town Clerk Schweikert received contact from the Senate and Assembly Home Rule Counsels that a currently dated Resolution is required to proceed. The July 2022 Resolution would need to be reaffirmed as of today so the legislative process can continue.

Council Member Zittel moved the adoption of Resolution 4, seconded by Council Member Krzemien:

RESOLUTION
DISSOLUTION OF CONCORD
INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, the Concord Industrial Development Agency was established by special act of the New York State Legislature on June 23, 1980, and

WHEREAS, that the Concord Industrial Development Agency (“CIDA”) to further the economic development of the Town of Concord; benefits from the CIDA involved the acquisition, construction and major renovation of buildings and other structures and generate short- and long-term employment in construction and operations-related jobs; and

WHEREAS, New York State General Municipal Section 882 provides that whenever all of the bonds or notes issued by the IDA have been redeemed or cancelled, and all straight-lease transactions of the agency have been terminated, the agency shall cease to exist and all rights, titles and interest and all obligations and liabilities thereof vested in or possessed by the agency shall thereupon vest in and be possessed by the municipality, and

WHEREAS, the Concord Industrial Development Agency (“CIDA”) currently has no assets and no funds; and

WHEREAS, the Town has been advised that the CIDA has terminated all its legal obligations, bonds, notes and straight-lease transactions, it is hereby

NOW, THEREFORE, BE IT RESOLVED, that the Town of Concord hereby acknowledges that the Concord Industrial Development Agency shall cease to exist upon passage of this Town Board Resolution.

Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Excused
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

ITEM #5 NEW BUSINESS

a) Audit of the Bills – Supervisor Drozd stated that these bills were audited by Council Member Krzemien, and reviewed by the Board.

Year 2023 Abstract 4:
General Fund A, abstract 4, bills 309-396; \$138,226.08
General Fund B, abstract 4, bills 397-402; \$682.55
Library Fund, abstract 4, NONE
Fire Protection, abstract 4, NONE
Joint Van, abstract 4, bills 403-404; \$42.80
Joint Youth, abstract 4, bills 405-408; \$28,447.96
Craneridge Lighting, abstract 4, bill 409; \$3,233.85
Craneridge Sewer, abstract 4, bills 410-419; \$4,298.31
Highway DA, abstract 4, bill 420; \$4,500.00
Highway DB, abstract 4, bills 421-463; \$29,937.75
Kissing Bridge Water, abstract 4, bills 464-465; \$220.00
Kissing Bridge Sewer, abstract 4, bills 466-467; \$850.00
Trevett Rd. Water, abstract 4, NONE
Cattaraugus St. Water, abstract 4, NONE
Trust & Agency, abstract 4, NONE
Capital (HA) C. Sewer, abstract 4, NONE
Capital (HB) Land, abstract 4, NONE
Capital (HD) Catt St, abstract 4, NONE
Capital (HE) Sr. Ctr, abstract 4, NONE
Capital (HF) Hwy Equip, abstract 4, NONE
Capital (HG) Waste Study, abstract 4, NONE

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve the bills in Year 2023 Abstract 4 as presented. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

b) Standard Workday Resolution – Supervisor Drozd asked the Board to table this Resolution. The correct forms were just received and need to be completed by Bookkeeper Timmel.

c) Assessor Position – A Local Law to establish the office of single appointed Assessor pursuant to Real Property Tax Law, §328. The Public Hearing was held earlier this evening.

Council Member Zittel moved the adoption of Resolution 5, seconded by Council Member Krzemien:

Town of Concord
Local Law #2 of 2023

A Local Law to establish the office of single appointed Assessor pursuant to Real Property Tax Law, §328.

Be it enacted by the Town Board of the Town of Concord, County of Erie, State of New York, as follows:

Section I. Title:

A Local Law to establish the office of single appointed assessor pursuant to Real Property tax Law, §328.

Section II. Authority:

The Local Law is adopted pursuant to Real Property Tax Law, §328.

Section III. Intent:

It is the intent of this Local Law to abolish the office of elected Assessor in the Town of Concord and to substitute therefore a single appointed Assessor to be appointed pursuant to Real Property Tax Law, §310.

Section IV. Abolition of the Office of the Elected Assessor:

The office of the elected Assessor as previously established and continued by the Town of Concord is hereby abolished. The term of the office of the elected Assessor shall terminate on December thirty-first of the year in which this Local Law shall take effect.

In the place and stead of the elected Assessor, the Town of Concord shall have one (1) single Assessor to be appointed by the Town Board of the Town of Concord.

Section V. Inconsistency:

All other Local Laws and Ordinances of the Town of Concord that are inconsistent with the provisions of this Local Law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other Local Laws or Ordinances regulating and governing the subject matter covered by this Local Law.

Section VI. Savings Clause:

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any Court or competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, word section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII. Not Subject to Referendum:

Pursuant to Chapter 521 of the Laws of 2006, this Local Law shall not be subject to referendum.

Section VIII. Effective Date:

This Local Law shall take effect upon adoption and filing in the Office of the Secretary of State of the State of New York.

Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Excused
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

d) Kuhn Special Use Permit – The Public Hearing was held earlier this evening. The Board set the following as conditions: No more than four dirt bike/pit bikes 110-125 cc events in a calendar year, provide insurance certificate to the Town as soon as date is set for each event, noting that if event canceled due to rain, it will be held the following weekend. The event will be held on a Saturday with practice on Friday night. The events will not be the whole weekend.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the Special Use Permit Application of Jason Kuhn with the conditions above noted. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried. Mr. Kuhn thanked the Board.

e) Filighera Setback – The Planning Board had reviewed this corner lot setback matter. The Town of Concord Code has a section which allows the Town Board to allow the garage to be built with a setback of at least 20 feet per Section 150.50(A). Mr. Filighera owns the corner lot at S11737 Allen Road. Motion by Council Member Zittel, seconded by Supervisor Drozd, to accept Derek Filighera's garage to be built with

a setback of at least 20 feet per Section 150.50(A). Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried. Mr. Filighera thanked the Board and left the meeting.

f) Subdividing lands – The Planning Board had reviewed this subdividing lands matter at their April meeting and referred it to the Town Board. The property owner, Estate of John Sullivan, here has two parcels with a total acreage of over 265 acres which was split by the 219 Expressway in the early 1980's. The Town of Concord Code has a section which allows the Town Board to grant a waiver of subdivision requirements pursuant to Section 129-17. Motion by Council Member Drake, seconded by Council Member Zittel, to approve grant a waiver to the property owner to waive the Subdivision of Lands requirement. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

g) Set Public Hearing Date – This Special Use Permit – This matter was reviewed by the Planning Board at their April meeting and recommended to the Town Board. Motion by Council Member Zittel, seconded by Council Member Krzemien, to set the Public Hearing for the This Special Use Permit for Thursday, May 11, 2023, at 6:15 p.m. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

h) Sealing Senior Center Parking Lot – Supervisor Drozd has not yet received all the estimates yet and would like to table this. The Board may need to have a Special Town Board meeting before the May 11th meeting for this as well as the well work at Community Park and do these both at the same time.

i) Bensley Center – Rear step repair – This has been bad for a number of years. Custodian Ott has been trying to keep the water out of the basement of the building. One quote was received. This quote is enough to get the Town by for right now. The rear staircase will be removed, repair/replace any broken brick and mortar that is behind it, excavate/form and pour a staircase footer and then replace the original staircase on the new footer. The quote is from TDL Services from Perrysburg who has been working at the Springville Center for the Arts. His machinery is here on site so the price is down a little bit. The quote is \$3,700 which is under the Procurement Policy limit of \$5,000. ARPA Funds will be utilized for this repair. Motion by Council Member Krzemien, seconded by Council Member Drake, to approve the TDL Services quote for the Bensley Center rear step repair in the amount of \$3,700. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

ITEM #6 COUNCIL MEMBER NOTES

a) Council Member Zittel advised that the Southtowns Planning & Development meeting is scheduled for Monday, April 24th at 6 p.m. at Angelina's in East Aurora.

b) Council Member Zittel informed the Board that the sidewalks are scheduled to be poured next week at Community Park Pavilion.

c) Council Member Zittel advised that the Chief's Council Meeting is set for April 18th at 7 p.m. in Sardinia.

d) Supervisor Drozd advised that there is a Spring Household Hazardous Waste Collection Event in Hamburg on Saturday, May 6th from 8:30 a.m. to 1 p.m. Reservations are required. This is for paint, batteries, electronic appliances, pesticides. Reservations can be made at erie.gov/recycling or by calling (716) 858-6800. There will be another collection in the Fall in Tonawanda.

e) Supervisor Drozd wanted to open tonight's meeting with a moment of silence for Steve Bugary, the current Mortons Corners Fire Chief who passed away on April 10th after a courageous battle with cancer. Before any further business, Supervisor Drozd asked for a moment of silence in memory of Steve Bugary. Steve was a good friend to many and did a lot of great things for the Town in his position as Fire Chief for many years.

f) Supervisor Drozd noted that the Springville Volunteer Fire Company will be having their drive-through Chicken BBQ this Sunday, April 16th starting at 1a a.m. until sold out. The fire company teamed up with the Boy Scouts who needed a sponsorship group. There are some active firemen who were Eagle Scouts. It's hopeful that this partnership will lead into future firefighters. There will be a fundraiser for two scouts that are attending a Scout Jamboree in West Virginia. There will be a basket raffle/gift card fundraiser.

ITEM #7 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss a possible litigation. Motion by Council Member Zittel, seconded by Council Member Krzemien, to go into Executive Session at 7:23 p.m. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

Motion by Council Member Krzemien, seconded by Council Member Zittel, to come out of Executive Session at 7:38 p.m. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

ITEM #8 MOTION TO ADJOURN

Motion by Council Member Drake, seconded by Council Member Krzemien, and passed unanimously, to adjourn the meeting at 8:25 p.m. in memory of:

Lisa E. Murphy
Margaret Solari
Ralph H. Yaeger
Teresa M. Fuller
Ernest Bracikowski
Joan M. Taylor
William D. Hicks
Steve W. Bugary
Jessica Ann Heim



Darlene G. Schweikert
Town Clerk

Town of Concord Highway Department

13076 N. Central Avenue

Springville, NY 14141

716-592-4892 Phone

716-592-4357 Fax

Barry A. Edwards, Highway Superintendent

Highway Superintendents Report for the period of March 8, 2023 to April 12, 2023.

With thirty-six days in this period the Highway Department

- Plowed, salt and sanded approximately 15 times in this period.
- Installed hydraulic cooler on Sweeper.
- Filled potholes with QPR on various Town roads.
- Cleaned up down trees from the strong winds.
- Repaired backup lights on truck #11.
- Repaired leaking waterline in the restroom.
- Hauled in sand and blended salt and sand.
- Repair air leak on Truck #11.
- Welded blade on Truck #11.
- Replaced power steering tank on Truck #14.
- Replaced bucket teeth on 410 backhoe.
- Replaced air horns on Truck #14.
- Replaced blown hoses on Truck #14's wing.
- Worked on road assessments.
- Installed the quick-attach on the Snowblower.
- Moved around cutting edge on Truck #18.
- Checked over Kubota tractor and took to the Town Park.
- Lowered wing rubber and replaced shoes on Truck #18.
- Straighten road signs.
- Moved equipment out of colder storage for summer use.
- Repaired the exhaust on the Roller.
- Power washed and replaced leaking hoses on Roller.
- Dropped off chain saws for repair at Hebdon's.

- Performed Spring brake jobs and check overs of Truck #16 and #19.
- All employees participated in an AED training class.
- Took plows, wings and frames off of Truck #16 and #19.
- Took the wings off of Truck #14 & #15.
- Cut and chipped trees.
- Started to sweep roads.
- Started ditching in Craneridge.
- Replaced rotted driveway culvert on Davis Hill Road.
- Continued to clean shop floors and drains.
- Continued to clean office, lunchroom and restroom.
- Repaired flag pole at Senior Center.
- Checked the beaver dams.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Barry A. Edwards". The signature is written in a cursive, flowing style with a large initial "B".

Barry A. Edwards,
Highway Superintendent